

IAP15 Rec'd PCT/PTO 19 JUL 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application Number	International Filing Date	Priority Date Claimed
PCT/EP04/01229	February 10, 2004	February 28, 2003
U.S. Serial Number	Applicant(s) for DO/US	
10/546,551	Peter ELLENBERGER, et al.	
National Phase Submitted: August 23, 2005		
Title of Invention		
Method and Composition for Injection at a Tunnel Boring Machine		
Docket No. MBZ-0513		

Mail Stop PCT**Commissioner For Patents****P.O. Box 1450****Alexandria, VA 22313-1450****Certificate of Express Mailing**

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Joan E. Barvis
(type or print name of person signing paper)

Joan E. Barvis
(signature of person mailing paper)

7-19-2006
(date)

LETTER

Upon review of the Notification of Missing Requirements, we identified an error in the spelling of the First Named Applicant. The last name of the inventor was spelled "Ellenbeeger." Please correct the spelling in the records of the U.S. Patent & Trademark Office to "ELLENBERGER." Please note that the application data sheet and declaration submitted at the time of filing of the application contained the correct spelling.

Respectfully submitted,

Joseph G. Curatolo
Joseph G. Curatolo, Esq. (Reg. No. 28,837)
Curatolo Sidoti Co., LPA
24500 Center Ridge Road, Suite 280
Cleveland, OH 44145
Telephone: 440.808.0011
Customer No. 23575
Attorney for Applicants

7-19-2006
Date

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Joan C. Barres
(type or print name of person signing paper)

Joan C. Barres
(signature of person mailing paper)

7-19-2006
(date)

TRANSMITTAL SHEET

Enclosed is:

Transmittal Sheet with Certificate of Mailing and Authorization to Charge Deposit Account

Notification of Missing Requirements Under 35 USC 371 in the United States

Designated/Elected Office (DO/EO/US)

Completion of Filing Requirements

Statement By Attorney That Papers Attached to Declaration Are a Copy of Those Filed in
USPTODeclaration/Power Attorney with Specification, Claims, Abstract, Preliminary Amendment Attached
Check in the Amount of \$130.00

Return Receipt Post Card

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

In the event an additional fee is applicable to the filing of this document and the required fee is not enclosed, or the fee submitted is insufficient, the Commissioner is hereby authorized to charge any fees for Docket No. MBZ-0513 that might be required to effect the filing of this (these) documents to Account No. 50-3275. This certificate is submitted in duplicate.

Respectfully submitted,

Joseph G. Curatolo
Joseph G. Curatolo, Esq. (Reg. No. 28,837)
Curatolo Sidoti Co., LPA
24500 Center Ridge Road Suite 280
Cleveland, OH 44145
Telephone: 440.808.0011
Facsimile: 440.808.0657
Customer No. 23575
Attorney for Applicants

Date 7-19-2006

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Joan C Barre
(type or print name of person signing paper)

Joan C Barre
(signature of person mailing paper)

7-19-2006
(date)

**COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 USC §371**

- I. This replies to the Notification of Missing Requirements Under 35 USC 371 (Form PCT/DO/EO/905) in the United States Designated/Elected Office (DO/EO/US) mailed July 6, 2006.

- ☒ A copy of the Notification of Missing Requirements under 35 USC §371 and 37 CFR 1.494 in the United States Designated/Elected Office is enclosed (Form PCT/DO/EO/905).

DECLARATION OR OATH

- II. (a) ☒ No executed original declaration or oath was filed. Enclosed is the original executed declaration or oath for this application.

OR

- (b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the USPTO is the application which the inventor executed by signing the declaration.
- (d) ☒ Statement that the "attached" paper is a copy of the amendment that was filed in the USPTO with the specification to obtain the filing date.

AMENDMENT

- III. ☐ An amendment in accordance with 37 CFR §1.121 is attached.
- ☐ The attached amendment

TRANSMITTAL OF ENGLISH TRANSLATION OR NON-ENGLISH LANGUAGE PAPERS

- IV. ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the USPTO.

SMALL ENTITY STATUS

V. Applicant is

- [] a small entity
verified statement:
- [] enclosed
- [] already filed in application
- [X] other than a small entity

COMPLETION FEES

VI.

1. Filing Fee

- ☐ original patent application (37 CFR 1.16(a)- \$790; Small entity - \$395) \$ 0.00
- ☐ Design application (37 CFR 1.16(f) \$330; small entity - \$165) \$ 0.00

2. Fees for claims

☐ each independent claim in excess of 3
(38 CFR 1.16(b)-\$82; small entity -\$41) \$ 0.00

☐ each claim in excess of 20 (37 CFR 1.16(c)-\$22;
small entity-\$11) \$ 0.00

☐ multiple dependent claim(s) (37 CFR 1.16(d) - \$270;
small entity- \$135) \$ 0.00

3. Surcharge Fees

☐ late payment of filing fee
and/or

☒ late filing of original declaration or oath (37 CFR 1.16(e) - \$130;
small entity - \$65); \$ 130.00

4. ☐ Petition and fee for filing by other than all the inventors or person not the
inventor (37 CFR 1.17(h) and 1.47 - \$130) \$ 0.00

5. ☐ Fee for processing an application filed with a specification in a non-
English language (37 CFR 1.17(k) and 1.52(d)-\$130) \$ 0.00

6. ☐ Fee for processing and retention of application (37 CFR 1.21(l) and
1.53(d)-\$300) \$ 0.00

Total completion fees \$ 130.00

EXTENSION OF TIME

VII.

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out
in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Extension months</u>	<u>Fee for other than small entity</u>	<u>For small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$ 1,080.00
Extension Fee		\$ <u>0.00</u>

If an additional extension of time is required please consider this a petition therefor.

Based on the extension requested in this petition, the extended period for response will expire on _____.

or

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

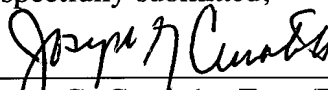
6. Fee Payment

Attached is a check in the amount of \$ 130.00

7. Fee deficiency

☒ If any additional extension and/or fee is required for this case MBZ-0513, charge Deposit Account No. 50-3275. A duplicate of this transmittal is attached.

Respectfully submitted,



 Joseph G. Curatolo, Esq. (Reg. No. 28,837)
 Curatolo Sidoti Co., LPA
 24500 Center Ridge Road, Suite 280
 Cleveland, OH 44145
 Telephone: 440.808.0011
 Customer No. 23575
 Attorney for Applicants

July 19, 2006

 Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/546,551	FIRST NAMED APPLICANT Peter Ellenberger	ATTY. DOCKET NO. MBZ-0513
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RECEIVED

JUL 10 2006

23575
 CURATOLO SIDOTI CO., LPA
 24500 CENTER RIDGE ROAD, SUITE 280
 CLEVELAND, OH 44145

CURATOLO SIDOTI

INTERNATIONAL APPLICATION NO.

PCT/EP04/01229

I.A. FILING DATE

02/10/2004

PRIORITY DATE

02/28/2003

CONFIRMATION NO. 8357

371 FORMALITIES LETTER



OC000000019487846

Date Mailed: 07/06/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/23/2005
- Copy of the International Search Report filed on 08/23/2005
- Copy of IPE Report filed on 08/23/2005
- Preliminary Amendments filed on 08/23/2005
- Information Disclosure Statements filed on 08/23/2005
- Oath or Declaration filed on 08/23/2005
- Request for Immediate Examination filed on 08/23/2005
- U.S. Basic National Fees filed on 08/23/2005
- Priority Documents filed on 08/23/2005
- Specification filed on 08/23/2005
- Claims filed on 08/23/2005
- Abstracts filed on 08/23/2005

Reviewed by JGC/SAS

FlexTrac JB

Docket LF

File to Atty.

7-10-06
 7-11-06
 LKF 7-11-06
 JGC/JB.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/546,551	PCT/EP04/01229	MBZ-0513

FORM PCT/DO/EO/905 (371 Formalities Notice)